

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

These amendments change Medicaid coverage requirements to eliminate the need for some exceptions to policy that are routinely approved.

- Item 1 allows use of another state’s Medicaid sterilization consent form in lieu of the Iowa Medicaid form. Iowa Medicaid members who live near state borders often receive services in the bordering state. Since the content of the sterilization consent is detailed in federal Medicaid regulations, these forms are very similar across states. Denying a claim if the consent meets all requirements except the Iowa form number is not a cost-effective action.

- Items 2 and 3 remove the requirement that a member report the results of a trial use of an enclosed bed before requesting prior authorization for an enclosed bed. Enclosed beds are not available on a rental basis for a trial period, and the alternative of overnight hospitalization for observation of a trial is not cost-effective.

These amendments do not provide for waivers in specified situations because the amendments benefit the members affected. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on February 24, 2010, as **ARC 8538B**. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on April 14, 2010.

The Department finds that these amendments streamline approval procedures and confer a benefit on Medicaid members who are requesting sterilization or who need enclosed beds. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments became effective on May 1, 2010.

These amendments are intended to implement Iowa Code section 249A.4.

The following amendments are adopted.

ITEM 1. Amend paragraphs **78.1(16)“b,” “f” and “h”** as follows:

b. The sterilization shall be performed as the result of a voluntary request for the services made by the person on whom the sterilization is performed. The person’s consent for sterilization shall be documented on:

(1) Form 470-0835 or 470-0835(S), Consent Form, or

(2) An official sterilization consent form from another state’s Medicaid program that contains all information found on the Iowa form and complies with all applicable federal regulations.

f. At least 30 days and not more than 180 days shall have elapsed following the signing of the informed consent except in the case of premature delivery or emergency abdominal surgery which occurs not less than 72 hours after the informed consent was signed. The informed consent shall have been signed at least 30 days ~~prior to~~ before the expected delivery date for premature deliveries. ~~Consent shall be obtained on Form 470-0835 or 470-0835(S), Consent Form, and shall be attached to the claim for payment.~~

h. ~~Form 470-0835 or 470-0835(S), Consent Form,~~ The consent form described in paragraph 78.1(16) “b” shall be attached to the claim for payment and shall be signed by:

(1) ~~the individual~~ The person to be sterilized,

(2) ~~the~~ The interpreter, when one was necessary,

(3) ~~the~~ The physician, and

(4) ~~the~~ The person who provided the required information.

ITEM 2. Amend subparagraph **78.10(2)“d”(1)** as follows:

(1) Enclosed beds. Payment for an enclosed bed will be approved when prescribed for a patient who meets all of the following conditions:

1. The patient has a diagnosis-related cognitive or communication impairment that results in risk to safety.

2. The patient’s mobility puts the patient at risk for injury.

3. The patient has suffered injuries when getting out of bed.

~~4. The patient has had a successful trial with an enclosed bed.~~

ITEM 3. Rescind subparagraph **78.28(1)“g”(4)**.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/5/10.